

Officer History

Officer Name: Cappolla, Thomas

Tax ID: 929824

Sex: M

Shield: 05110

Race: White

Rank: DT2

Command: 348

DOB: [REDACTED]

Appt Date: 07/01/2002

Age: [REDACTED]

Tenure: 18

CCRB #	Report Date	Incident Date	Allegation	Disposition	NYPD Disposition	NYPD Penalty	Command
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]			[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]			[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]			[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]			[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]			[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]			[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]			[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]			[REDACTED]
200608793	07/03/2006	07/03/2006	Abuse - Search (of person)	Substantiated (Charges)	Command Discipline - A	Command Discipline - A	101
	07/03/2006	07/03/2006	Abuse - Question and/or stop	Exonerated			101
	07/03/2006	07/03/2006	OMN - Failure to produce stop and frisk report	Other Misconduct			101
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]			[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]			[REDACTED]
Total Charges = 13					Total Cases = 6		

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: William Begeny	Team: Team # 1	CCRB Case #: 200608793	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Mon, 07/03/2006 10:00 PM	Location of Incident: [REDACTED]	Precinct: 101	S.O.L. Expires: 01/03/2008		
Date/Time CV Reported Mon, 07/03/2006 11:57 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 07/03/2006 11:57 PM		

Complainant/Victim	Type	Home Address
1. [REDACTED]	Reporting Non-Witness	[REDACTED] Far Rockaway NY 11691
2. [REDACTED]	Victim	[REDACTED] Far Rockaway NY 11691

Subject Officer(s)	Shield	TaxID	Command
1. POM Thomas Cappolla	27141	929824	101 PCT
2. POM [REDACTED]	[REDACTED]	[REDACTED]	101 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. SGT [REDACTED]	[REDACTED]	[REDACTED]	101 PCT

Officer(s)	Allegation	Investigator Recommendation
A . POM Thomas Cappolla	Abuse of Authority: PO Thomas Cappolla stopped and questioned [REDACTED] [REDACTED]	A . Exonerated
B . POM Thomas Cappolla	Abuse of Authority: PO Thomas Cappolla searched [REDACTED]	B . Substantiated
C . POM [REDACTED] [REDACTED]	Abuse of Authority: PO [REDACTED] [REDACTED] searched [REDACTED]	C . Unsubstantiated
D . POM Thomas Cappolla	Other: PO Thomas Cappolla failed to prepare a stop and frisk report as required.	D . Other Misconduct

Synopsis

On July 3, 2006, Dr. [REDACTED] [REDACTED] called the CCRB call processing system in order to file a complaint against two NYPD officers on behalf of her son, [REDACTED] [REDACTED]. On July 3, 2006 at approximately 10:00 PM, Mr. [REDACTED] walked away from his friends and went inside a park at [REDACTED] Mott Avenue in Queens in order to call his mother, Dr. [REDACTED] using his mobile phone. After completing this call, three uniformed officers, later identified as PO Thomas Cappolla, PO [REDACTED] [REDACTED] and Sgt. [REDACTED] [REDACTED] from the 101st Precinct, approached Mr. [REDACTED]. PO Cappolla asked Mr. [REDACTED] how old he was and what he was doing inside the park. Mr. [REDACTED] explained that he was fifteen years old and had just called his mother. PO Cappolla asked Mr. [REDACTED] for his identification and Mr. [REDACTED] told him that he did not have any (**Allegation A**). PO Cappolla then searched Mr. [REDACTED] (**Allegation B**). PO [REDACTED] and Sgt. [REDACTED] approached Mr. [REDACTED] and noticed that the fly on his pants was unzipped. PO [REDACTED] stated, "What are you hiding in here? Drugs?" and reached his finger inside Mr. [REDACTED] pants, but did not touch Mr. [REDACTED] genitals because his pants were large and baggy (**Allegation C**). The officers then left the location and did not issue a summons, note the incident in their memo books, or file a stop question and frisk report as is required by Patrol Guide Procedure 212-11(**Allegation D**).

Because Mr. [REDACTED] was committing a crime by being inside the park after 9:00 PM, PO Cappolla was justified in stopping him. It is therefore recommended that **Allegation A be Exonerated**.

Because PO Cappolla admitted to lifting Mr. [REDACTED] shirt without probable cause, it is recommended that **Allegation B be Substantiated**.

Because there is not sufficient evidence to indicate whether or not PO Berbieri searched Mr. [REDACTED] it is recommended that **Allegation C be Unsubstantiated**.

Because PO Cappolla failed to prepare a stop, question and frisk report as required, it is recommended that **Other Misconduct be noted**.

Summary of Complaint

[REDACTED] [REDACTED] was interviewed at the CCRB on July 14, 2006. Mr. [REDACTED] is a 15-year-old black male who at the time of this interview was a 10th Grade student at Garden School in Queens. Mr. [REDACTED] mother, [REDACTED] [REDACTED] chose to be present during this interview, but sat behind Mr. [REDACTED] and did not do or say anything while the interview took place (Encl. 9A-9F).

At approximately 9:30 PM on July 3, 2006, Mr. [REDACTED] was at his friend Ariel's home in the vicinity of Mott Avenue and Westbourne Avenue in Queens. Mr. [REDACTED] walked outside with his bike and a group of friends. The group all turned and began to walk towards Ariel's home when Mr. [REDACTED] stopped to call his mother. After his friends were away from him, Mr. [REDACTED] stopped at a park near P.S. 104 at [REDACTED] Mott Avenue to call his mother, Dr. [REDACTED] and ask her permission for his cousin to sleep over at their home that evening. Mr. [REDACTED] only stopped in order to make the phone call to his mother and this was the only reason why he separated momentarily from his friends. His friends could not see or hear him when he completed his call as they continued to walk. He intended to rejoin his friends after he completed the phone call.

The park was very small and only contained swings and a small gym set. There were no other individuals inside the park. Immediately after completing the phone call, Mr. [REDACTED] began to ride his bike away from the park when PO Thomas Cappolla stopped him. PO Cappolla was by himself at this time. Mr. [REDACTED] later identified PO Cappolla to his mother at the 101st Precinct who recorded his name and badge number. PO Cappolla first asked Mr. [REDACTED] how old he was. Because Mr. [REDACTED] is about to be sixteen years old, he initially told the officer that he was sixteen, and then quickly changed his answer and told him that he was fifteen years old. PO Cappolla asked Mr. [REDACTED] loudly, "Which one is it?" Mr. [REDACTED] told him again that he was fifteen. PO Cappolla told Mr. [REDACTED] to get off of his bike, which he did, and then told him to spread his arms out, which Mr. [REDACTED] did.

PO Capolla then immediately began searching Mr. [REDACTED] pockets. Inside Mr. [REDACTED] pockets was a small amount of change, keys, a mobile phone, and a black plastic grocery bag. PO Capolla removed the black plastic grocery bag from Mr. [REDACTED] right back pants pocket. PO Capolla shook the bag, and there was nothing inside. PO Capolla then proceeded to search the rest of Mr. [REDACTED] pockets. PO Capolla reached his hands inside all of Mr. [REDACTED] pockets. As PO Capolla searched Mr. [REDACTED] left pants pocket, two additional officers, later identified as PO [REDACTED] [REDACTED] and Sgt. [REDACTED] [REDACTED]. The officers exited their van and stood beside PO Capolla as he searched Mr. [REDACTED].

Sgt. [REDACTED] stood away from Mr. [REDACTED] and informed him that his fly was open and told him to pull it up. Mr. [REDACTED] attempted to pull up his fly, but due to his nervousness he was unable to pull it up all of the way. Mr. [REDACTED] did not know what was going to happen to him and was nervous because he believed that the officers would beat him up or do something more than search him. He was also nervous because there were no other individuals in the vicinity to see what was happening. PO [REDACTED] then placed his finger inside Mr. [REDACTED] fly and began feeling around to see if any contraband was inside. PO [REDACTED] did not touch Mr. [REDACTED] genitals. Alarmed by this officer's behavior, Mr. [REDACTED] took a step away from the officers. PO Capolla asked Mr. [REDACTED] if he was hiding any drugs "down there," referring to the inside of his pants. Mr. [REDACTED] replied, "No sir, I am not a drug dealer." PO Capolla stopped searching Mr. [REDACTED] and asked him where he lived and Mr. [REDACTED] provided his address. PO Capolla also asked Mr. [REDACTED] for his identification, which Mr. [REDACTED] did not have. PO Capolla said "O.K." and left the location.

Mr. [REDACTED] then rode on his bike away from the park and went directly home in order to tell his mother about what happened.

Results of Investigation

[REDACTED]
Dr. [REDACTED] [REDACTED] was interviewed at the CCRB on July 14, 2006. Dr. [REDACTED] is a 45-year-old black female who at the time of this interview was employed as a physician at Elmhurst Hospital. Her statement is consistent with her initial complaint narrative and Mr. [REDACTED] statement except where noted below (Encl. 7A).

At approximately 9:30 PM, Dr. [REDACTED] received a phone call from Mr. [REDACTED] who explained that he was at a park in the vicinity of [REDACTED] Mott Avenue and asked if his cousin could spend the night.

Dr. [REDACTED] was playing in the backyard with her other two children when Mr. [REDACTED] arrived at home and was sitting on the front porch with his father. Mr. [REDACTED] told his parents that he needed to explain what happened at the park and Dr. [REDACTED] became upset by this and immediately went to the 101st Precinct in order to file a complaint. While on the front porch, Dr. [REDACTED] saw the same officers drive by in a marked van and recorded the license plate number.

Upon arriving at the precinct, Dr. [REDACTED] asked to file a report regarding this incident, and the officers kept them waiting for a long while. After waiting approximately forty-five minutes, two officers walked inside the precinct and Mr. [REDACTED] identified one of the officers as PO Cappolla, who searched him. Dr. [REDACTED] asked PO Cappolla to come there and she asked him his name, which he provided.

PO Thomas Cappolla

On July 3, 2006, PO Thomas Cappolla worked a 5:30 PM by 2:05 AM tour, in uniform, assigned as part of a Street Narcotics Enforcement Unit (SNEU) team in an unmarked silver Impala with PO [REDACTED] [REDACTED] and Sgt. [REDACTED] [REDACTED]. PO Cappolla has worked with the NYPD for four years.

Memo Book: PO Thomas Cappolla

PO Cappolla has no entries in his memo book regarding this incident (Encl. 11A-11C).

CCRB Statement: PO Thomas Cappolla

PO Cappolla was interviewed at the CCRB on August 1, 2006 (Encl. 12A-12B).

On July 3, 2006 at approximately 10:00 PM, PO Cappolla was in the passenger seat of a parked unmarked silver Impala approximately one block away from a park at [REDACTED] Mott Avenue with PO [REDACTED] and Sgt. [REDACTED]. PO Cappolla observed a black male, later identified as [REDACTED] who appear to be urinating. To the best of PO Cappolla's knowledge, it was illegal to be inside the park past 9:00 PM. Inside this park was an "shack like" outhouse, a basketball court, and a playground. Mr. [REDACTED] was standing, facing the basketball court away from PO Cappolla, and was beside the outhouse. There were no other individuals present in the vicinity. PO Cappolla exited the car alone and entered the park while PO [REDACTED] and Sgt. [REDACTED] stayed inside the vehicle and observed Mr. [REDACTED]. Sgt. [REDACTED] did not instruct PO Cappolla to speak to Mr. [REDACTED]. PO Cappolla did not see Mr. [REDACTED] speaking on a phone.

When PO Cappolla approached, Mr. [REDACTED] was not urinating. PO Cappolla did not see any wet areas in the vicinity of Mr. [REDACTED] but he did not look closely to see any evidence of urination. PO Cappolla asked Mr. [REDACTED] what he was doing inside the park, and Mr. [REDACTED] stated that he was on the phone with his mother because he was late. This statement did not make sense to PO Cappolla, who did not understand why Mr. [REDACTED] needed to be inside a park in order to call his mother. PO Cappolla stated, "No, you were urinating." Mr. [REDACTED] stated that he was not. PO Cappolla asked Mr. [REDACTED] for his identification and Mr. [REDACTED] told PO Cappolla that he was fifteen years old. PO Cappolla then lifted Mr. [REDACTED] shirt, which was large and baggy, and observed that Mr. [REDACTED] pant's zipper was open on his large fitting jeans. PO Cappolla lifted Mr. Fredercik's shirt only high enough to observe his zipper. He did this because he suspected that he might observe evidence that would indicate that Mr. [REDACTED] had been urinating. PO Cappolla told Mr. [REDACTED] that he was not allowed inside the park at this time, and Mr. [REDACTED] stated that he did not know this. PO Cappolla asked Mr. [REDACTED] "You're not doing any drugs are you?" and Mr. [REDACTED] stated that he was not. PO Cappolla then said to Mr. [REDACTED] "Alright, so long as you're not dealing drugs in here, you can go." Mr. [REDACTED] then left the location and there was no further incident.

Afterwards, PO Cappolla went to the 101st Precinct because PO [REDACTED] made an arrest. PO Cappolla saw Mr. [REDACTED] and Ms. [REDACTED] inside the precinct. Ms. [REDACTED] asked PO Cappolla if he recognized Mr. [REDACTED] and he told her that he stopped him. Ms. [REDACTED] asked PO Cappolla why he stopped Mr. [REDACTED] he told her that it was because he was urinating inside a park. Ms. [REDACTED] told PO Cappolla that her son was not urinating and explained that she would like to make a complaint. PO Cappolla explained to Ms. [REDACTED] that he was trying to do the nice thing and allow her son to go without arresting him or writing a juvenile report for being inside a park after dark and urinating.

PO [REDACTED] and Sgt. [REDACTED] did not have any interaction with Mr. [REDACTED]. At no time did any officer place their finger inside Mr. [REDACTED] pants.

PO Cappolla did not suspect that Mr. [REDACTED] was using or selling any drugs.

PO Cappolla did not write Mr. [REDACTED] a summons and he did not prepare a stop, question and frisk report for him because he was a minor.

PO [REDACTED] [REDACTED]

On July 3, 2006, PO [REDACTED] [REDACTED] from the 101st Precinct worked a 5:30 PM by 2:05 AM tour, in uniform, assigned to a SNEU team with PO Thomas Cappolla and Sgt. [REDACTED] [REDACTED]. PO [REDACTED] has worked for the NYPD for four years.

Memo Book: PO [REDACTED] [REDACTED]

PO [REDACTED] did not have any entries in his memo book regarding this incident (Encl. 13A-13B).

CCRB Statement: PO [REDACTED] [REDACTED]

PO [REDACTED] was interviewed at the CCRB on August 8, 2006 (Encl. 14A-14B).

On July 3, 2006, PO [REDACTED] arrested Mark Creary at Regina Avenue and Grassmere Terrace at 8:50 PM. He believed that at approximately 10:00 PM, he was still at the 101st Precinct in arrest processing. PO [REDACTED] did not recall witnessing a young individual urinating in a park, and did not recall stopping anyone in a park with PO Thomas Cappolla. PO [REDACTED] had no recollection of this incident.

Sgt. [REDACTED] [REDACTED]

On July 3, 2006, Sgt. [REDACTED] [REDACTED] from the 101st Precinct worked a 5:20 PM by 2:17 AM tour, in uniform, in a marked RMP assigned to a SENU team with PO [REDACTED] and possibly PO Thomas Cappolla. Sgt. [REDACTED] has worked with the NYPD for twelve years.

Memo Book: Sgt. [REDACTED] [REDACTED]

Sgt. [REDACTED] did not have any entries in his memo book regarding this incident. At 9:30 PM, he noted that the officers were making observations for narcotics in the vicinity of Mott Avenue (Encl. 15A-15B).

CCRB Statement: Sgt. [REDACTED] [REDACTED]

Sgt. [REDACTED] was interviewed at the CCRB on August 16, 2006 (Encl. 16A-16B).

Sgt. [REDACTED] stated that he might have been working with PO Cappolla and PO [REDACTED] on July 3, 2006 at approximately 10:00 PM. The officers made several stops in the vicinity of Mott Avenue at this time, but Sgt. [REDACTED] did not remember stopping [REDACTED] [REDACTED] or any other young men specifically. He did not remember stopping a young person in a park and did not remember stopping anyone suspected of urinating in a park.

Stop, Question and Frisk Log: 101st Precinct

There is no record of Mr. [REDACTED] or any other individual stopped in the vicinity of [REDACTED] Mott Avenue on July 3, 2006 (Encl. 17A-17C).

Command Log: 101st Precinct

There is no record of Dr. [REDACTED] or Mr. [REDACTED] coming to the 101st Precinct in order to file a complaint against PO Cappolla (17D-17E).

Queens Park Operations

Derik Fowlkes at Queens Park Operations stated that all parks in Queens close at 9:00 PM.

Criminal Conviction History: [REDACTED] [REDACTED]

Because Mr. [REDACTED] is a juvenile, his criminal conviction history was unavailable to the CCRB.

CCRB History: PO Thomas Cappolla

PO Cappolla has worked with the NYPD for four years and has had no previously substantiated CCRB complaints (Encl. 4A).

CCRB History: PO [REDACTED] [REDACTED]

PO [REDACTED] has worked with the NYPD for four years and has had no previously substantiated CCRB complaints (Encl. 5A).

CCRB History: [REDACTED] [REDACTED]

Mr. [REDACTED] has no previous CCRB complaints on file (Encl. 6A).

CCRB History: [REDACTED] [REDACTED]

Dr. [REDACTED] has no previous CCRB complaints on file (Encl. 7A).

Notice of Claim

Neither [REDACTED] [REDACTED] nor [REDACTED] [REDACTED] filed a notice of claim regarding this incident.

Conclusions and Recommendations

Officer Identification

Because there was no question that PO Cappolla was the first officer to approach Mr. [REDACTED] and because Mr. [REDACTED] was able to identify him as the officer who initially searched him and threatened him at the precinct with arrest, Allegations A, B, and D pled against PO Cappolla. PO Cappolla admitted that he was with PO [REDACTED] and Sgt. Kenny before he approached Mr. [REDACTED]. Sgt. [REDACTED] stated that at approximately 10:00 PM he was making observations in the vicinity of Mott Avenue with PO [REDACTED]. Because Mr. [REDACTED] described the second officer to search him as a white male that appeared to be the same age as PO Cappolla and much younger than the other officer, the preponderance of evidence indicates that this officer was PO [REDACTED] and Allegation C was therefore pled against him. Because there is no indication that Sgt. [REDACTED] authorized PO Cappolla or PO Barbier's actions, no allegations were pled against him.

Undisputed Facts

It is undisputed that Mr. [REDACTED] was inside a park after dark. PO Cappolla stopped him, but did not issue him a summons or make an arrest. PO Cappolla did not file a stop, question, and frisk report regarding this incident. At the 101st Precinct, PO Cappolla threatened to arrest Mr. [REDACTED] if he saw him committing a crime in the future.

It is in dispute, however, if Mr. [REDACTED] was urinating inside the park or if PO Cappolla or PO [REDACTED] searched him.

Assessment of Evidence

Mr. [REDACTED] and Dr. [REDACTED] both provided credible and consistent statements. Although it is unclear why Mr. [REDACTED] separated from his friends in order to make a phone call to his mother, he was able to positively identify that there were three officers present and that they were interested in finding narcotics, which is consistent with police documentation. Although it is possible that Mr. [REDACTED] was urinating inside the park, there is not sufficient evidence to indicate whether or not he did this.

PO Cappolla provided a plausible statement. However, based on Sgt. [REDACTED] notation and Mr. [REDACTED] indication that two white male officers were present, one being in his late forties and the younger being approximately PO Cappolla's age, the preponderance of evidence indicates that PO [REDACTED] and Sgt. [REDACTED] were present at the scene. It is reasonable to assume that Sgt. [REDACTED] and PO [REDACTED] had no recollection of this incident, as it was relatively minor and there was no documentation of it.

Allegation A: PO Thomas Cappolla stopped and questioned [REDACTED]

Based on Mr. [REDACTED] own statement, he was stopped inside a public park at approximately 10:00 PM. According to the Derik Fowlkes at Queens Park Operations, all parks close at 9:00 PM. Based on this information, PO Cappolla was justified in stopping Mr. [REDACTED] as he was committing a crime for which he could have been summonsed or arrested. It is therefore recommended that **Allegation A be Exonerated**.

Allegation B: PO Thomas Cappolla searched [REDACTED]

Mr. [REDACTED] stated that PO Cappolla searched inside all of his pockets and asked him several questions about the possession of narcotics. PO Cappolla stated that he lifted Mr. [REDACTED] shirt upon stopping him and in doing so determined that the fly on Mr. [REDACTED] pants was unzipped.

Kamins defines a search as the invasion of an area in which an individual has a reasonable expectation of privacy (Encl. 1A). PO Cappolla enacted a significant degree of intrusion when he lifted Mr. [REDACTED] shirt in order to reveal the area under his clothing where his zipper could be seen to be unzipped. The New York State Supreme Court has ruled that the lifting of a defendant's shirt in order to examine a bulge is a search that "exceeds the permissible interference of a protective search" (Encl. 2A-2B). For these reasons, PO Cappolla's admitted action constituted a search as defined by Kamins.

PO Cappolla stated that he lifted Mr. [REDACTED] shirt without any suspicion that Mr. [REDACTED] was concealing contraband, and that his action was pursuant to the investigation of Mr. [REDACTED] urinating in

public, which is a non-violent crime. However, PO Cappolla stated that he only observed Mr. [REDACTED] back, did not see him urinating upon his approach, and did not take any other simple measures of investigating the suspected crime, such as looking for wetness in the vicinity of where Mr. [REDACTED] was standing.

Based on PO Cappolla's own statement, he approached Mr. [REDACTED] alone without concern for his safety and he did not suspect that Mr. [REDACTED] was concealing contraband on his person. Based on this, it is abundantly clear that he did not have probable cause with exigent circumstances to search Mr. [REDACTED] without a warrant, as is required by law (Encl. 1B).

Administrative Law Judge Charles R. Fraser held in *Police Department v. Dowd and Rose* that "an improper search or seizure is punishable misconduct if the officer acted with knowledge that he was acting improperly, acted without concern for the propriety of his actions, or acted without due and reasonable care that his actions be proper" (Encl. 2C-2D). PO Cappolla is a four-year veteran of the NYPD, and it is reasonable to assume that he has had sufficient experience to determine whether or not his actions were proper. PO Cappolla, at the very least, acted negligently and in bad faith.

For these reasons, it is recommended that **Allegation B be Substantiated**.

Allegation C: PO [REDACTED] searched [REDACTED]

Mr. [REDACTED] stated that PO [REDACTED] stuck his finger inside his unzipped fly on his pants. PO [REDACTED] did not recall any involvement with any young individual in a park at this time. Although Mr. [REDACTED] provided a credible statement, because there were no witnesses to this incident, there was not sufficient information to determine conclusively whether or not PO [REDACTED] searched Mr. [REDACTED] without probable cause. For this reason, it is recommended that **Allegation C be Unsubstantiated**.

Allegation D: PO Thomas Cappolla failed to prepare a stop, question and frisk report as required.

PO Cappolla admitted that he did not prepare a stop, question and frisk report. The stop and frisk log does not indicate any individual stopped or questioned in the vicinity of [REDACTED] Mott Avenue. Neither he nor PO [REDACTED] or Sgt. [REDACTED] made any indication of their stop in their memo books. Patrol Guide Procedure 212-11 states clearly that officers must prepare a stop, question and frisk report worksheet for "EACH person stopped," regardless of whether or not they provide their identification (Encl. 3A). Although PO Cappolla stated that he did not file this report because he believed he was not supposed to do so for juveniles, nowhere in the Patrol Guide does it state any exceptions for stopping juveniles. Because PO Cappolla failed to do this, it is recommended that **PO Thomas Cappolla be cited for Other Misconduct**.

Investigator:

Date:

Supervisor:

Date:

Reviewed by:

Date:

Reviewed by:

Date: